

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MC HUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
JIMMYE M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

June 20, 2000

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter follows up on the April 12, 2000 hearing of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, entitled "Reinventing Paperwork?: The Clinton-Gore Administration's Record on Paperwork Reduction," and the Office of Management and Budget's (OMB's) June 12th response to my April 14th post-hearing followup questions.

Question 1c asked OMB why it is resisting my June 9, 1999 request for OMB to disclose its role in its review of agency paperwork submissions, as such disclosure is required by President Clinton's regulatory executive order. OMB's reply to Question 1c perpetuates OMB's illogical and mistaken view that requiring OMB to reveal changes made by OMB during the course of its Paperwork Reduction Act (PRA) reviews "would impair its administration of the PRA." As I noted in my letters of November 22nd, January 14, 2000, March 2nd, and March 27th, revealing changes made by OMB is the only way Congress can hold OMB accountable, especially given the Clinton-Gore Administration's record of non-achievement in reducing paperwork burdens. As a consequence, I repeat my June 9, 1999 request for OMB to begin disclosing the results of its review, as of July 1, 2000.

Question 2 asked OMB why, since the Subcommittee's April 15, 1999 hearing which highlighted the absence of paperwork reduction initiatives by the Internal Revenue Service (IRS), which accounts for nearly 80 percent of the total government-wide paperwork burden on the American people, OMB had not increased its staffing of only one analyst working part-time on IRS paperwork. OMB's reply that "it believes that this level is appropriate given OIRA's staffing level" is neither credible nor acceptable. The PRA was principally intended to "minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and persons resulting from the collection of information by or for the Federal Government" (44 U.S.C. §3501). Question 2

also asked what changes OMB made in IRS's proposed Information Collection Budget (ICB) submission. OMB's reply that it made no substantive changes is also not acceptable. As a result, as Chairman of your Authorizing Committee, I request that OMB immediately increase OMB's staffing devoted to IRS paperwork to at least three full-time analysts.

Question 3 asked OMB about the results of its reviews of the 60 most burdensome paperwork requirements, which equal 85 percent of the total government-wide burden on the public. OMB replied that it "reviews the 60 most burdensome collections as rigorously as it does all of the other collections it reviews." Since the Subcommittee's investigation revealed from the agency replies that OMB had only reduced the 7.3 billion hours of government-wide paperwork burden by a mere 1,915 hours in a 6-month period, OMB's reply is unacceptable.

Question 3 also asked OMB to indicate the number of hours reduced in the last substantive revision of each of these top 60 paperwork burdens. OMB's reply indicated that the last revision only reduced the burden for 11 of 60 and some of the reductions were not significant, e.g., the Defense Department's reduction of only 26,438 hours for a requirement imposing 23,986,320 burden hours. Please provide detailed information on the nature of the changes made for each of the 11 to verify that all 11 decreases were due to program changes instead of adjustments. In Question 3, I asked if OMB is considering awarding a contract for an analysis of opportunities for reduction in the top 60 paperwork requirements. OMB replies that it "has no current plans to hire an outside contractor." Therefore, please indicate the next expected date for substantive revision of each of the 60 and the process OMB will follow for each to ensure maximum burden reductions.

Question 4c asked OMB, "When OMB established its paperwork accounting system, OMB made annual adjustments to the paperwork hours base, a practice that discouraged the false counting of re-estimates or illegal burdens as reductions. When did OMB change its accounting system approach to no longer make annual adjustments and why did it do so?" OMB's reply is totally nonresponsive to this question. Please provide a responsive answer.

Question 6a asked if OMB has prepared a crosscutting analysis of paperwork burdens on small businesses. Instead of providing an analysis, OMB provided a computerized listing of 316 paperwork dockets imposed by 32 agencies, each having a significant impact on small entities. Has OMB analyzed these 316 burdens to identify duplications and ensure maximum burden reductions in them? If not, when will OMB do so? Also, has OMB orchestrated an interagency review of these requirements? If not, will OMB do so?

Question 6b asked if OMB has prepared a crosscutting analysis of paperwork burdens on State and local governments. Instead of providing an analysis, OMB provided a computerized listing of 929 paperwork dockets, each having a significant impact on State and local governments. Question 6b also asked OMB to identify what specific paperwork reduction candidates the Clinton Administration is pursuing for State and local governments. Incredibly, OMB provided only three specific candidates. This is unacceptable. Has OMB met with representatives of State and local elected officials to identify their top priorities for burden reduction from the 929 with significant burden? If so, please indicate the results of these

discussions. If not, please meet with these representatives and promptly report to me on the results of these discussions and OMB's timetable to revise their top priority candidates for burden reductions.

Please hand-deliver the agency's response to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Wednesday, July 5, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink that reads "David McIntosh". The signature is written in a cursive, slightly slanted style.

David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich